

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

TOKYO GATSON, :  
Plaintiff, :  
 :  
v. : CIVIL ACTION NO.  
 : 1:15-CV-1268-TWT-ECS  
NATASHA HUGGINS and :  
PROGRESSIVE INSURANCE COMPANY, :  
Defendants. :

**ORDER AND FINAL REPORT AND RECOMMENDATION**

Tokyo Gatson, a pretrial detainee in the Essex County Correctional Facility in Newark, New Jersey, has filed several civil rights lawsuits in this Court in the past year, including Gatson v. Progressive Ins. Co., No. 1:14-CV-2900-MHS (N.D. Ga. dism. Oct. 28, 2014). That case was dismissed because Mr. Gatson stated no claims upon which relief might be granted under 42 U.S.C. § 1983.

Mr. Gatson has now restyled and refiled his complaint as a "Replevin Action." See [Doc. No. 1]. Mr. Gatson complains only that an insurer and an individual improperly "retained possession" of his car, and that they engaged in "negligence, fraud, and theft by deception." See [id. at 1 & 3]. This fails (A) to state any claim arising under federal law, see 28 U.S.C. § 1331, or (B) to allege complete diversity of citizenship among the parties, see 28 U.S.C. § 1332.

Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

Because Mr. Gatson, who is familiar with the requirement that he either pay the \$400 due in case initiation fees or submit a request for permission to proceed in forma pauperis, has done neither of those things, the undersigned further **RECOMMENDS** that Mr. Gatson be **DENIED** permission to proceed in forma pauperis and that the Court **CERTIFY** that any appeal in this case cannot be taken in forma pauperis because it would not be taken in good faith. See 28 U.S.C. § 1915(a)(3).

The Clerk is **DIRECTED** to terminate the referral of this case to the undersigned.

**SO ORDERED, RECOMMENDED, AND DIRECTED**, this 24th day of April, 2015.

**S/ E. Clayton Scofield III**  
E. CLAYTON SCOFIELD III  
UNITED STATES MAGISTRATE JUDGE

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**ORDER FOR SERVICE OF REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

Attached is the report and recommendation of the United States Magistrate Judge in this action in accordance with 28 U.S.C. § 636(b)(1) and this Court's Civil Local Rule 72. Let the same be filed and a copy, together with a copy of this Order, be served upon counsel for the parties.

Pursuant to 28 U.S.C. § 636(b)(1), each party may file written objections, if any, to the report and recommendation within fourteen (14) days of service of this Order. Should objections be filed, they shall specify with particularity the alleged error or errors made (including reference by page number to the transcript if applicable) and shall be served upon the opposing party. The party filing objections will be responsible for obtaining and filing the transcript of any evidentiary hearing for review by the District Court. If no objections are filed, the report and recommendation may be adopted as the opinion and order of the District Court and any appellate review of factual findings will be

limited to a plain error review. United States v. Slay, 714 F.2d 1093 (11th Cir. 1983).

The Clerk is **DIRECTED** to submit the report and recommendation with objections, if any, to the District Court after expiration of the above time period.

**SO ORDERED**, this 24th day of April, 2015.

**S/ E. Clayton Scofield III**  
E. CLAYTON SCOFIELD III  
UNITED STATES MAGISTRATE JUDGE